

REMARKS/ARGUMENTS

This paper is filed in response to the Official Action mailed December 1, 2005 for the above-captioned application. Reconsideration of the application, as amended, is respectfully requested.

In response to the Examiner's request for affirmation of the election of claims 1- 42 and 59 - 60 directed to a single invention, Applicants herein cancel claims 43 - 58 without prejudice.

The 112 rejections:

The Examiner has rejected claims 1 - 43 based on § 112 second paragraph, as being indefinite for reference to "SAE standards" in claim 1. These claims have been reviewed and independent claim 1 has been amended to delete reference to "SAE Standards".

The Examiner also rejected claims 6, 16, 25, 34, and 40 based on § 112 second paragraph. These claims have been reviewed and the claims have been amended to delete reference to the term "derivatives".

These amendments are believed to overcome the Examiner's 112 rejections of the claims.

The 103 rejections:

The Examiner rejects all claims of the present application under 103(a) as being obvious over Lee (US 6,637,922), or the combination of Lee and Burns (US 5,605,761), or the combination of Lee, Burns, and Lyons (US 6,155,694). The Examiner states on page 4 that the primary reference, Lee, "discloses an automotive headlamp and a method for altering chromaticity of the headlamp". This is incorrect. The undersigned has searched and can find no mention in the text of Lee of either of the words "chromaticity" or "method" .

Lee makes no mention of, *inter alia*, (1) chromaticity, (2) altering chromaticity, or (3) selecting a combination of a light source and a material of a lens to alter chromaticity. All that Lee appears to disclose is a "brightness" enhanced head lamp. "Brightness" and "chromaticity" are not the same in that chromaticity refers to the quality of the color of light characterized by x and y coordinates in the CIE color model, while brightness is an attribute of visual perception in which a light source appears to emit a given amount of light. Stated differently Lee apparently only discloses an automotive headlamp assembly that appears to give off more light than the light generated by its light source. It does not disclose a headlamp that changes the quality of the color of an illuminating beam generated by a specific light source.

Independent claim 1 of the present application recites:

1. An automotive headlamp comprising . . . **wherein the light source and the material of the lens are selected such that light emitted from the light source is modified in chromaticity as it passes through the lens such that the illuminating**

beam from the headlamp has an average x chromaticity coordinate of 0.345 to 0.405.

Independent claim 59 reads:

59. A method for altering chromaticity of an automotive headlamp comprising the steps of,

selecting a partial headlamp assembly comprising a light source and a housing, wherein the light source has a first chromaticity;

selecting a lens comprising a polycarbonate and a fluorescent dye; and

affixing the lens to the partial headlamp assembly thereby forming a headlamp assembly, such that light emitted from the light source passes through the lens to form an illuminating beam, wherein the composition of the lens is selected to modify the first chromaticity such that the illuminating beam has a second chromaticity that is different from the first chromaticity, and said second chromaticity has an average x chromaticity coordinate of 0.345 to 0.405.

The Examiner attempts to equate "chromaticity" and "brightness" but provides no reasoning to support this attempt. Assuming arguendo that the Examiner's position were correct and that Lee discloses a "chromaticity" enhanced headlamp, Lee makes no mention of how to do it. Lee only discloses that the lens may contain a layer of light fluorescing material. *See* column 1 lines 49 to 55 and column 2 lines 33 to 34. Lee does not disclose what type of fluorescing material should be used and makes no mention of the amount of fluorescing material required to do it. Further, Lee does not mention anywhere that a specific light source is to be selected in combination with a specific lens material such that the beam of light emitted from the headlamp has a specified chromaticity. Simply put, Lee's disclosure of a "bulb" and "fluorescent material" does not provide nor does it suggest a headlamp assembly and method according to the presently claimed invention.

After making the incorrect statement that Lee discloses an automotive headlamp and a method for altering chromaticity of the headlamp, the Examiner goes on to say that it "would have been obvious to one having ordinary skill in the art at the time the invention was made to produce color light having X chromaticity coordinate of 0.345 to 0.405 in order to enhance the light intensity and brightness of the headlamp." *See* paragraph 11 of the office action. This is the type of statement that is made in hindsight. Obviousness does not follow because something works, or because the principles of operation are understood after an applicant's disclosure. If it were so obvious to one skilled in the art to alter the chromaticity of a headlamp, then why is such not disclosed in Lee and why can one not find any disclosure of how to do it in any of the cited references? The only answer must be that the invention as claimed in the present application is not obvious.

Lee does not provide a reference with the legal sufficiency to render claims of the present application obvious in light of its many shortcomings described above. Since the independent claims of the present application cannot be obvious in view of Lee, neither can the dependant claims. The proposed combinations of Lee with the secondary references likewise fail to disclose or suggest the limitations of the present claims.

For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited. No fee or extension of time is believed to be due with the filing of this paper, however if such an extension is deemed due it is herein requested and the Commissioner is authorized to charge Deposit Account No. 07-0893.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Marina T. Larson', is written over a horizontal line.

Marina T. Larson, Ph.D

Reg. No. 32,038

Ryan E. Anderson

Reg. No. 51,405

Attorneys for Applicant(s)

(970) 262 1800